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January 23, 2007

The Honorable Michael A. Ponsor
U.S. District Court, District of Massachusetts
Federal Building and Courthouse
1550 Main Street
Springfield, MA 01103

Re: Arise for Social Justice, et al. v. City of Springfield, et al.
Civil Action No. 05-30080-MAP

Dear Judge Ponsor:

Plaintiffs submit this letter in anticipation of the upcoming Pre-Trial Conference currently scheduled for January 26, 2007.

As Exhibit E to the parties' Pre-Trial Memorandum, defendants submitted a document containing 282 numbered paragraphs and entitled "Defendants' Issues of Fact." Having received this list of issues at 4:45 p.m. on the day the parties' Pre-Trial Memorandum was due, plaintiffs were not in a position to determine whether any of the facts asserted in defendants' list were uncontested.

Having now had a chance to review the document, plaintiffs are willing to assert that paragraphs 8, 9, 10, and 95 are uncontested. Defendants' other assertions of fact are objectionable, unsupported, or inaccurate, substantively or as phrased. Moreover, plaintiffs object to the inclusion of Defendants' Issues of Fact in the Pre-Trial Memorandum, insofar as these highly argumentative and detailed contentions should more appropriately have been submitted as proposed findings of fact and conclusions of law.

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Plaintiffs plan to submit their own pre-trial proposed findings of fact and conclusions of law after submitting their trial affidavits.

Very truly yours,

/s/ Paul E. Nemser

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing letter was filed electronically with this Court on this 23rd day of January, 2007 and that all parties will be served via the Court's electronic filing system.

/s/ Paul E. Nemser
Paul E. Nemser (BBO #369180)